Attorney Docket No. 9052-67 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Colin Brown
Serial No.: 09/700,057 Group Art Unit: 1623
Filed: February 5, 2001 Examiner: E. White

For: *SURGICAL COMPOSITIONS AND METHODS FOR USING THE SAME*

June 11, 2003

Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

DECLARATION UNDER 37 C.F.R § 1.132
OF ANTHONY LUCIANO, M.D.

Sir:

I, Anthony Luciano, M.D., do hereby declare and say as follows:

1. I received a Bachelor of Arts degree (B.A.) in Chemistry from the University of Connecticut in 1969 and a Doctor of Medicine degree (M.D.) from the University of Connecticut in 1973. I completed an internship at Hartford Hospital in Hartford, Connecticut from 1973-74, and residency at the University of Connecticut School of Medicine, Department of Obstetrics and Gynecology, from 1974-77. I undertook a fellowship at the University of Connecticut School of Medicine, Department of Reproductive Endocrinology and Infertility, from 1977-79. I am currently a Professor of Obstetrics and Gynecology at the University of Connecticut School of Medicine, and the Director of the Center for Fertility and Reproductive Endocrinology at New Britain General Hospital in New Britain, Connecticut.

Additionally, I am a past President of the American Association of Gynecologic Laparoscopists and have delivered numerous lectures, and authored and co-authored

numerous articles and books in the areas of obstetrics, gynecology, reproductive medicine, and endocrinology. I am knowledgeable of the contents of the above-identified patent application.

2. One of ordinary skill in the art of surgical medicine, for example, reproductive surgery or fertility enhancement surgery, either by microsurgery at laparotomy or by laparoscopy, would be apprised that the term "adhesion prevention" can be used to describe techniques, adjuvants or devices that are reported to be effective in reducing postoperative adhesion formation. In studying the causes of postsurgical adhesions and their "reduction", clinical investigators and experts on the subject typically refer to interventions and devices as being either effective or not effective in preventing postsurgical adhesions. Most scientific publications and books on the subject use the terminology of "adhesion prevention", although it is commonly recognized that indeed adhesions are reduced because some and not all adhesions are prevented. Thus, in the present context, the data support the statement that the compositions of the present invention "prevent or reduce" adhesions as described in the above-identified patent application.

3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Anthony Luciano, M.D.

Date 6/9/03